

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Initially the undersigned and the inventor Thomas Nikolaus would like to thank Examiner Lopez for the courtesies extended during a personal interview held at the U.S. Patent and Trademark Office on February 16, 2007. At the above noted personal interview, newly presented independent claims 66 and 82 were discussed in detail. Agreement was reached that the prior art did not teach, suggest or render obvious the provision of selectively drivingly connecting the rotor element to one or more of the plurality of hydraulic pumps. At the above noted personal interview, the undersigned pointed out to the Examiner the portion of the application as originally filed which supported the newly added limitation to independent claims 66-82. These portions include, for example, paragraphs [0023], [0054], [0055], and [0057]. The examiner agreed that there was support for the limitations presently claimed.

The previously cited and applied prior art does not teach, disclose suggest or render obvious the claim subject matter. The Parkins '017 patent shows a single drive for driving all of the pumps. While a pump may be bypassed, the drive still drives the piston rod and piston of all the pumps which is highly inefficient and undesirable.

The '006 patent to Bea is likewise defective. The Cros patent, '092, which was cited to teach a plurality of power systems does not cure the deficiencies noted above with regard to the plurality of hydraulic pumps and transmission element for selectively connecting to one or more of same. Accordingly, as agreed to the above noted personal interview, the claims as pending define over the cited and applied prior art.

In addition to the foregoing, it is submitted that the claims comply with the formal requirements of 35 U.S.C. 112, second paragraph. The claims have been drafted taking into consideration the objections raised by the examiner in the paragraph bridging Pages 3 and 4 of his last office action.

Finally, with regard to the drawing objections, the subject matter of claims 64 and 65 have been cancelled. Thus, the drawings now comply with 37 CFR 1.83(a).

In light of the foregoing, it is submitted that all of the claims are in condition for allowance and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

Thomas Nikolaus

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I, Rachel Piscitelli, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
"Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on March 6, 2007.

